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EXHIBITS

- **A -** Copy of the Los Angeles County Sheriff's Department Homicide case book, file # 012-03786-1336-339, prepared by Detectives Kevin Lloyd and Fred Morse.
- **B -** A copy of an MDT printout and a CD containing the audio 9-1-1 call for service.
- **C -** CD containing audio of vehicle pursuit, Vehicle Pursuit Memorandum, and a copy of the Pursuit Evaluation form.
- **D -** Diagram/sketch by Deputy [redacted] and copies of his Shooting and Training Records.
- **E -** Diagram/sketch by Deputy Michael Espinosa, and copies of his Shooting and Training Records.
- **F -** Diagram/sketch by Deputy Vincent Ortiz, and copies of his Shooting and Training Records.
- **G -** Diagram/sketch by Deputy Jessica Loney
- **H -** Diagram/sketch by Deputy Antoinette Bowen
- **I -** Diagram/sketch by Deputy William Richardson
- **J -** Diagram/sketch by Deputy Sergeant Fleischmann
- **K -** Diagram/sketch by Detective Daniel Rudd
- **L -** Diagram/sketch by Deputy Michael McCarty
- **M -** Diagram/sketch by Deputy Jeffrey Rabideaux and a copy of his Training Records.
- **N -** Diagram/sketch by Deputy [redacted]
- **O -** Diagram/sketch by Deputy Jonathan Byrne
- **P -** Diagram/sketch by Deputy Sean Stamper
- **Q -** (8) Photographs of the suspect, his vehicle, his wheelchair and a CD containing photographs of suspect's vehicle.
- **R -** (9) Photographs numbered 1-8 depicting the positioning of patrol vehicles.
- **S -** (2) Crime scene sketches.
- **T -** CD containing crime scene photographs.

MISCELLANEOUS DOCUMENTS

- Admonition Forms for: Deputies [redacted] Espinosa, Ortiz, Loney, Bowen, Richardson, Rudd, McCarty, Rabideaux, [redacted] Byrne, Stamper, and Sergeant Fleischmann.
- (3) Receipts for Investigative Material.

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: May 13, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2307799/FO2307802/IV2334151
Incident:	Hit Shooting/Significant Force
Incident Date:	February 26, 2012
Units:	Lakewood Station Cerritos Station
Suspect:	Eduardo Armas, MH/10-13-66
Involved Employees:	Deputy [redacted] #[redacted] Deputy Michael Espinosa, #[redacted] Deputy Vincent Ortiz, #[redacted] Deputy Jeffrey Rabideaux, #[redacted] Sergeant Joseph Fleischmann, #[redacted]
EFRC Date:	May 9, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

A deputy was advised of a reckless driver in the area of the 91 Freeway. He observed a truck matching the description being driven recklessly.

He attempted a traffic stop, but the driver (suspect) of the truck failed to yield and a slow speed pursuit was initiated. The rear windows of the truck were blacked out (tinted). After a short distance, the suspect entered an alleyway and stopped. While being ordered to exit the truck at gunpoint, the suspect was non-complaint, yelling obscenities, and shouting that he was disabled. The suspect picked up an item and held it up to the window. Believing the suspect had armed himself with a firearm, the deputy fired two rounds at the suspect prior to the deputy's weapon malfunctioning.

Assisting deputies arrived and continued to order the suspect to show his hands. Again, the suspect was non-complaint, yelling obscenities, and indicated he was disabled. At this point, the suspect raised a second object toward the windows. Believing it was a sawed off shotgun, two deputies fired at the suspect. A third deputy, who was taking cover on the passenger side of the lead patrol car, also fired at the suspect.

Shortly after the second shooting incident, the suspect held a bloody hand out the window. In order to gain control of the suspect and render medical aid, an arrest team was formed and took control of the suspect. It was later determined the object held by the suspect which resulting in the first shooting was a handicap placard. The suspect held up a portion of a wheel chair, (black aluminum with duct tape around the handle) which resulted in the second shooting incident.

The EFRC determined the force used against the perceived armed and dangerous suspect was reasonable, necessary, and justified.

The EFRC determined the tactics used by Sergeant Fleischmann and Deputies [redacted] Espinosa, and Ribideaux were within Department policy. The tactics used by Deputy Ortiz are addressed under separate cover memorandum.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Merrill E. Ladenheim, conduct a tactical debriefing with all personnel involved regarding the unique circumstances of this incident. The tactical debriefing is to include items related to vehicle pursuit radio communications, force prevention policies, and use of deadly force.

Additionally, the EFRC recommended Sergeant Fleischmann be formally commended for taking immediate steps to control the situation. Sergeant Fleischmann's advisement to return weapons to double action, pulling a deputy out of a tactically unsound position, instructing the use of less-lethal weapons when appropriate, and forming an arrest team to secure medical attention for the injured suspect assisted in bringing this incident to a successful conclusion without any deputies being injured.

BG:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2334151
Subject: Ortiz, Vincent #[redacted]
Investigator: Dinah Grote, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to, 5-06/105.00, Tactical Incidents), on or about February 26, 2012, while on duty Subject Ortiz failed to conform to the work standards established for his position as a patrol deputy, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting incident as evidenced by, but not limited to the following:

    a. failing to identify and use appropriate cover or concealment, and/or place himself in a tactical position of advantage, and/or safe location during a deputy involved shooting, and/or;

    b. failing to independently verify and identify an immediate threat to his safety and or those in the immediate vicinity before discharging his handgun, and/or;

    c. failing to exercise and display proficiency in the handling of his handgun, and/or accurately using his handgun and acquiring target acquisition during a deputy involved shooting.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_X__ **Suspension with loss of pay and benefits for __3__ days**
_____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.